IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.54 OF 2007.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : R.C.CHAVAN, J.

DATED : MAY 04, 2007.

1. By this petition the petitioner takes exception to the order passed by learned Additional District Judge, Pusad on 08.01.2003 rejecting petitioner's application bearing MJC No.14 of 2002 for condonation of delay of four years and one month. The learned counsel for petitioner states that the petitioner is 54 years old and suffering from diabetes and asthma and therefore, could not approach the District Court within the prescribed period of limitation. She, therefore, states that the learned District Judge should have condoned the delay considering the ailment and also the fact of her illiteracy.

2. No fault can be found with the order passed by

the learned District Judge since the petitioner has not shown that she was immobilised and not in position to approach her lawyer or the Court for all these four years and one month. Asthma and diabetes do not immobilise a person and therefore, there was no justification or explanation of the delay in approaching the District Court. Illiteracy is likewise not a just ground in the background of the fact that the petitioner had fought the lis before the trial Court, obviously with the assistance of lawyer, who should have taken care of disadvantages of illiteracy of the petitioner.

3. In view of this, the petition does not call for any interference in exercise of jurisdiction under Articles 226 and 227 of the Constitution, consequently it is dismissed.

JUDGE.

RR.